

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Harewood Rd., S of Circle Rd. * ZONING COMMISSIONER
(Woods at Bay Country) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Jason Development Corporation * Case No. 92-104-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R., to permit a building separation of 20 feet in lieu of the required 25 feet for buildings between 20 and 25 feet in height, and/or the required 30 feet for buildings between 25 and 30 feet in height, for Lots 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 65, 66, 67, 68 and 69 of Woods at Bay Country, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Larry Macks, Vice President, appeared, testified and was represented by E. Scott Moore, Esquire. There were no Protests.

Testimony indicated that the subject property consists of 9.642 acres more or less zoned D.R. 5.5 and is part of a larger tract of land known as the Woods of Bay Country. Said property is located within the Chesapeake Bay Critical Areas near Railroad Creek. Larry Macks testified as to the history of the subject property and noted that this was one of the first communities approved in the Critical Areas of Baltimore County.

As such, the development plan has undergone extensive review and study. Mr. Macks indicated the final plan has been more than three years in development and is in compliance with all current Baltimore County regulations but for the requested variances. Mr. Macks testified the entire development contains 114 acres, but the developer, as permitted by law, has clustered 23 acres zoned D.R. 5.5 for development with single family dwellings. The balance of the acreage is zoned R.C. 20 and remains open space.

Further testimony indicated that Mr. Macks has been personally involved in updating the current C.M.D.P. manual. He testified that the manual has been significantly revamped, has received Planning Board approval, and is now before the County Council for final review and adoption. Mr. Macks testified that under the new provisions of the C.M.D.P., the requested variances would not be required. However, Petitioner is requesting the variances at the present time so that development can proceed and as such, has requested a blanket variance for the lots set forth on the Petition and Petitioner's Exhibit 1. Testimony indicated that the requested variances are necessary as a result of current market conditions which dictate that larger houses be built on smaller lots. Mr. Macks explained that due to the approved lot configuration and layout of the proposed community, it would often be necessary to locate the dwellings on each lot in such a manner that the presently required distances between each building could not be maintained. Again, Mr. Macks emphasized that if the proposed C.M.D.P. revisions are approved, the requested variance would not be necessary. Further, Mr. Macks argued that if the variances were not granted, the developer would be unable to develop the subject property in accordance with the approved C.R.G. plan, which has taken into consideration the site limitations of this locale and area. Lastly, he affirmed

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that the granting of the requested variances would be in strict harmony with the zoning regulations and within the spirit and intent of the B.C.Z.R.

Pat Keller, the Deputy Director of the Office of Planning submitted comments indicating that the requested variances should be granted for side building to side buildings only, a condition with which Mr. Macks agreed. That is, this variance will permit houses to be built in a configuration where side yards will be directly adjacent to side yards of adjoining lots which will prevent the staggering of dwellings on adjacent lots. Further, Mr. Keller's comments suggest that fences be restricted so as not to encroach within 10 feet of any public right-of-way so as not to disturb landscaping. Mr. Macks noted that the previously submitted landscape plan has been approved.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the

- 3 -

district or whether a lesser relaxation than that applied for would give substantial relief; and
3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1991 that the Petition for Zoning Variance from Sections 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R., to permit a building separation of 20 feet in lieu of the required 25 feet for buildings between 20 and 25 feet in height, and/or the required 30 feet for buildings between 25 and 30 feet in height, for Lots 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 65, 66, 67, 68 and 69 of Woods at Bay Country, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

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however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the recommendations submitted by the Deputy Director of Planning, dated September 25, 1991, including, but not limited to, the requirement that any fencing for lots with side or rear yards fronting along a public right-of-way shall be placed a minimum of 10 feet from said right-of-way to preserve the integrity of Petitioner's landscaping.

3) Compliance with the recommendations submitted by the Department of Environmental Protection and Resource Management upon completion of their findings.

4) Prior to the issuance of any permits, Petitioner shall submit a revised landscape plan for approval by the Deputy Director of Planning and the Baltimore County Landscape Planner, incorporating the fencing requirement set forth above in Restriction 2. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file prior to the issuance of any permits.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjm

- 5 -

CRITICAL AREA 114



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section _____
See attachment

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Strict compliance with the standard is unnecessarily burdensome.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

E. Scott Moore

(Type or Print Name)

Signature

4111 East Joppa Road

Baltimore, MD 21215

City and State

Attorney's Telephone No.: 522-4600

I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we

are the legal owner(s) of the property

which is the subject of this petition.

Legal Owner(s):

Larry Macks, Vice President

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Jason Development Corporation

6615 Reisterstown Road

Address

Suite 205 358-4934

City and State

Baltimore, MD 21215

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDER RECEIVED FOR FILING

Date 10/28/91

By [Signature]

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

Variance Petition Attachment
Woods at Bay Country
Jason Development Corporation

To permit a variance from Section 1B01.2.C.1 BCR and CMDP V.B.3 pursuant to Section 504 BCR allowing a building separation of 20 feet in lieu of the required 25 feet for buildings between 20 and 25 feet and/or the required 30 feet for buildings between 25 and 30 feet in height for the following lots:

Lots 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 65, 66, 67, 68, 69

92-104-A



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

CRITICAL AREA

Account: R-001-6150
Number

1/25/92

1/25/92

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92-104-A

114
CRITICAL AREA

Description
To Accompany Zoning Petition
9.642 Acre Parcel
Northeast Side of Barewood Road
South of Circle Road

Fifteenth Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Circle Road with the centerline of Barewood Road, 42.50 feet future width, (1) Southwesterly 750 feet, more or less, measured along the centerline of Barewood Road, and thence running (2) Northwesterly at right angles to said centerline 27 feet, more or less, thence running on the future highway widening line of Barewood Road, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District (1) South 32 degrees 10 minutes 15 seconds West 1056.95 feet, thence running on the northeast right-of-way line of Barewood Road, the three following courses and distances (2) South 32 degrees 22 minutes 38 seconds West 166.67 feet, thence (3) Southwesterly by a line curving to the right with a radius of 270.00 feet for a distance of 240.48 feet (the arc of said curve being subtended by a long chord bearing South 57 degrees 53 minutes 35 seconds West 232.61 feet) and thence (4) North 80 degrees 47 minutes 42 seconds West 48.13 feet, thence leaving said northeast right-of-way line of Ebenezer Road and running (5) North 09 degrees 53 minutes 16 seconds West 145.59 feet, thence (6) North 15 degrees 41 minutes 11 seconds West 113.17 feet, thence (7) North 13 degrees 26

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92-104-A

minutes 10 seconds West 187.46 feet, thence (8) North 02 degrees 52 minutes 19 seconds West 109.36 feet, thence (9) North 15 degrees 48 minutes 46 seconds West 96.28 feet, thence (10) North 27 degrees 17 minutes 42 seconds West 85.03 feet, thence (11) North 24 degrees 49 minutes 08 seconds West 72.42 feet, thence (12) North 25 degrees 05 minutes 33 seconds East 51.60 feet, thence (13) North 87 degrees 28 minutes 47 seconds East 74.66 feet, thence (14) North 78 degrees 58 minutes 10 seconds East 83.68 feet, thence (15) South 71 degrees 12 minutes 34 seconds East 105.97 feet, thence (16) North 75 degrees 51 minutes 20 seconds East 29.20 feet, thence (17) North 48 degrees 40 minutes 14 seconds East 83.15 feet, thence (18) North 10 degrees 20 minutes 52 seconds East 50.17 feet, thence (19) North 13 degrees 16 minutes 36 seconds East 50.19 feet, thence (20) North 01 degree 59 minutes 44 seconds East 43.27 feet, thence (21) North 44 degrees 37 minutes 40 seconds West 30.55 feet, thence (22) North 58 degrees 59 minutes 00 seconds West 33.60 feet, thence (23) North 56 degrees 49 degrees 05 minutes West 29.65 feet, thence (24) North 14 degrees 57 minutes 48 seconds West 36.67 feet, thence (25) North 39 degrees 15 minutes 25 seconds West 65.71 feet, thence (26) North 35 degrees 04 minutes 20 seconds West 28.55 feet, thence (27) North 04 degrees 54 minutes 59 seconds East 34.85 feet, thence (28) North 59 degrees 29 minutes 42 seconds East 46.94 feet, thence (29) North 47 degrees 42 minutes 02 seconds East 120.52 feet, thence (30) North 54 degrees 43 minutes 22 seconds East 94.88 feet, thence (31) North 89 degrees 34 minutes 37 seconds East 29.64 feet, thence (32) South 58 degrees 30 minutes 09 seconds East 26.46 feet, thence (33) South 67 degrees 16

Page 2 of 3

92-104-A

minutes 53 seconds East 60.93 feet, thence (34) South 83 degrees 51 minutes 46 seconds East 108.85 feet, thence (35) South 66 degrees 18 minutes 06 seconds East 89.00 feet, thence (36) South 27 degrees 35 minutes 17 seconds East 138.42 feet, thence (37) North 88 degrees 27 minutes 27 seconds East 75.06 feet, thence (38) North 86 degrees 51 minutes 07 seconds East 81.27 feet, and thence (39) South 80 degrees 12 minutes 26 seconds East 120.94 feet to the point of beginning; containing 9.642 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 28, 1991

Project No. 85132.XI (185132X1.1)

Page 3 of 3

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 13, 1991

R. Scott Moore, Esquire
Moore, Carney, Ryan and Lattanzi
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Woods at Bay Country
Zoning Case No. 92-104-A

Dear Mr. Moore:

This is to acknowledge receipt of a copy of your letter dated November 5, 1991 regarding the above matter. Your letter correctly summarizes my intent in placing a restriction upon my approval of the subject variances regarding the fencing of certain lots within the subdivision. That is, I intended on requiring the Petitioner to amend the previously approved landscape plan so that same would incorporate a 10 ft. area on lots with side and/or rear yards along a public right of way where fencing was not permissible. If the plan is submitted in accordance with this requirement, I believe that it will be acceptable to Mr. Keller and I will approve same. Obviously, since the prior landscape plan has been approved, I see no need for a second review by the landscape planner of this minor change described above.

Please do not hesitate to contact me if you have any questions in this regard, and I look forward to receiving the amended plan upon completion of Mr. Keller's review of same.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Mr. Larry Macks
cc: Mr. Pat Keller

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
(301) 520-4600
FAX (301) 520-6146

ROBERT J. RYAN
OF COUNSEL

November 5, 1991

Mr. Larry Macks
Macks & Macks
6615 Reisterstown Road
Baltimore, Maryland 21215

Re: Woods at Bay Country
Zoning Case No. 92-104-A

Dear Larry:

I received today the Order of the Zoning Commissioner for Baltimore County relative to the variances which have been approved at Woods at Bay Country.

The Order, of course, granted the variances that you requested, but stated that the approval would be subject to compliance with recommendations of the Deputy Director of Planning dated September 25, 1991. From reading the Zoning Commissioner's opinion, it seems that a new landscaping plan would have to be approved by the Baltimore County Landscape Planner, the Deputy Director of Planning, and the Zoning Commissioner.

Inasmuch as that seemed too much of a burden, I talked to Pat Keller this morning at length. I informed Pat initially that we have an approved landscape plan for the whole development. Based on that fact, Pat said to simply take the original landscape plan, draw in a 10-foot area where a lot with side or rear yards front along a public right-of-way and call it a "Fence Restriction Area". Submit this amended plan to Pat Keller and he will sign it immediately and send it to the Zoning Commissioner. Pat said it should be a simple matter and should not require much preparation. He also saw no reason why it should be approved by the Baltimore County Landscape Planner, but the work should be done, of course, in accordance with county landscape directions or regulations.

P. 2

Based upon the information provided request and analysis completed staff recommends approval of the petitioners subject to the following conditions which would bring the request into full compliance with the proposed changes to the density residential zones and the proposed C.M.D.P.

1. The variances requested should be granted for side building to side building faces only.
2. For all lots with sides or rears fronting along a public right-of-way a ten foot fence restriction setback should be shown on the plan reviewed and approved by the Zoning Commissioner. This easement area should be landscaped as approved by the County Landscape Planner.
3. A uniform fence detail should be provided on the landscape plan. Whether fencing is provided by the developer or property owner, uniform fencing should be provided along all public rights-of-way.

ANALYSIS

Zoning History - The subject property received CRG approval on 12/22/88 (case No. IV -485). The property consists of 74 single-family detached housing lots.

Site description - The subject property consist of slightly wooded terrain. The site is located within the States Critical Areas and is surrounded by wetlands and floodplain.

Location and Character of Area - The petitioner's property is located northwest of Barewood Road and the Amtrak rail line. Access to the site is via either Ebenezer Road from the West or Eastern Avenue extended from the south. The site is located adjacent to Railroad Creek on the Bird River. The site is situated between Chase, Cunningham Cove and Hatched homes.

Site Analysis - The proposed site area has been approved for the development of 74 single-family homes. The site is located within the Chesapeake Bay Critical Areas and as such must conform to all environmental standards.

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 28, 1991

R. Scott Moore, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21215

RE: PETITION FOR ZONING VARIANCE
NW/S Barewood Road, S of Circle Road
(Woods at Bay Country)
15th Election District - 5th Councilmanic District
Jason Development Corporation - Petitioner
Case No. 92-104-A

Dear Mr. Moore:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Larry Macks
6615 Reisterstown Road, Baltimore, Md. 21215

People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

A. RESIDENTIAL STANDARDS Single-Family Detached

Building Type: Single-Family Detached, Semi-Detached and Duplex Dwellings

Location: D.R.3.5, 5.5, 10.5, 16

Minimum setback requirements:

From a front building face to a public street right-of-way or property line -- 25 feet

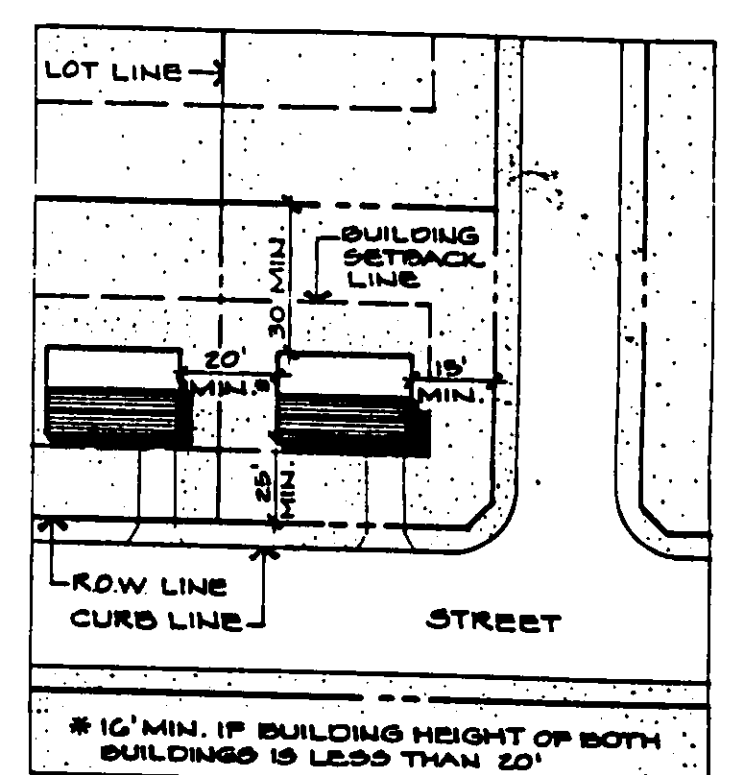
Between side building faces -- 16 feet for buildings up to 20 feet in height, and 20 feet for buildings with heights greater than 20 feet

From a rear building face to a rear property line or public street right-of-way -- 30 feet

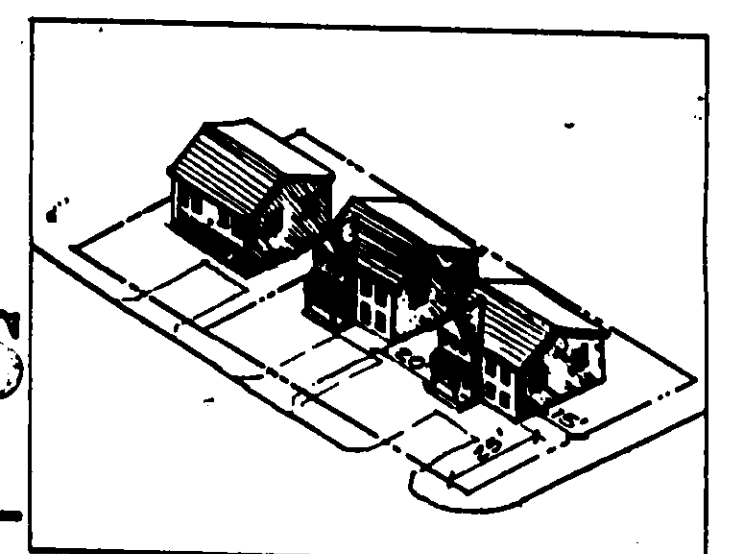
From a side building face to a public street right-of-way and/or tract boundary -- 15 feet

From side or front building face to the edge of paving of a private road -- 25 feet

Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.



Minimum setbacks for single family detached, semi-detached and duplex units in DR 3.5, 5.5, 10.5 and 16 zones.



Perspective view, minimum setbacks in DR 3.5, 5.5, 10.5 and 16 zones

URBAN DEVELOPMENT STANDARDS II-5

sign in

NAME Address

Larry Marks 6615 Reisterstown Rd. Suite 205 Baltimore MD 21215

A. Scott Moore 4111 E. Joppa Rd. BALTO - MD - 21234 579-4600

ATTY FOR JASON DEVELOPMENT

receipt

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

92-104 Account: R-0016150 Number

Date

Cashier Validation

CERTIFICATE OF POSTING

92-104-A

District: 15th Variance

Posted for: Jason Development Corp.

Location of property: 6615 Reisterstown Rd., S of Circle Rd.

Location of signs: 6615 Reisterstown Rd., S of Circle Rd.

Posted by: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/2/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26/91.

THE JEFFERSONIAN, S. Zeke Orlov Publisher

\$ 37.52

CERTIFICATE OF PUBLICATION

Office of THE AVENUE NEWS

442 Eastern Blvd. Balto. MD 21221 September 26 1991

THIS IS TO CERTIFY, that the annexed advertisement of Jason Development Corporation, was published in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 26 day of September 1991; that is to say, the same was inserted in the issues of September 26, 1991.

By [Signature] The Avenue Inc. per publisher

NOTE OF HEARING

TRANSMITTAL

DAFT-MCCLINE-WALKER, INC. Land Planning Consultants Landscape Architects Engineers & Surveyors

200 East Pennsylvania Avenue Towson, Maryland 21204 Telephone: (301) 296-3333

92-104-A

To: Carl Richards Zoning Administration & Development Management Date: 8/20/91 Job no.: 05132 X-1 Attention: [Blank] Reference: Woods @ Bay Country

Gentlemen: We are sending you [Blank] attached [Blank] under separate cover: via Carry

Copies	Date	Number	Description
3			Variance Petition with Attachment
3	6/20/91		Zoning Descriptions
3			Portion of Zoning Map NE 71
1	4/91	175.00	Filing Fee

These are transmitted as checked below:

For approval [] Approved as submitted [] Resubmit [] copies for approval []
For your use [] Approved as noted [] Submit [] copies for distribution []
As requested [] Returned for corrections [] Return [] corrected prints []
For review and comment []

Remarks: ARNOLD JARLON MET WITH LARRY MARKS & MYSELF AND DETERMINED THIS PETITION COULD BE EXPEDITED. I BELIEVE HE HAS CONVEYED THIS TO YOU. ALB. [Signature]

cc: Larry Marks Signed: George F. Gove

COPY

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

DATE: 10-8-91

Jason Development Corporation 6615 Reisterstown Road Suite 205 Baltimore MD 21215

RE: CASE NUMBER: 92-104-A 84/5 Harwood Road, S of Circle Road "Woods At Bay Country" 15th Election District - 5th Councilmanic Petitioner(s): Jason Development Corporation HEARING: THURSDAY, OCTOBER 24, 1991 at 1:30 p.m.

Dear Petitioner(s):

Please be advised that \$ 96.12 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE VOID. DO NOT REMOVE THIS SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your name and address noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature] Lawrence E. Schmidt ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: E. Scott Moore, Esq.

COPY

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 13, 1991

NOTICE OF HEARING

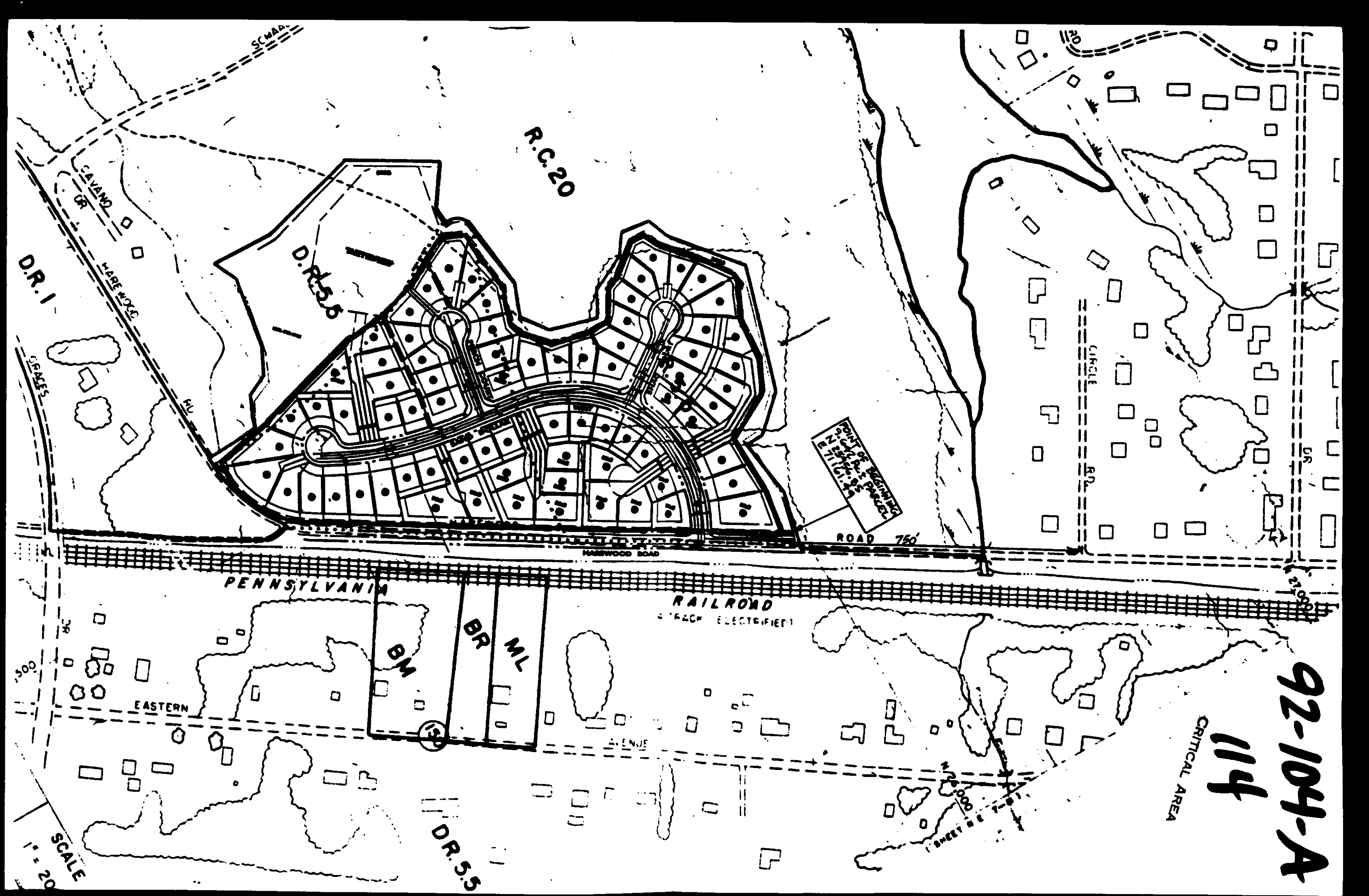
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-104-A 84/5 Harwood Road, S of Circle Road "Woods At Bay Country" 15th Election District - 5th Councilmanic Petitioner(s): Jason Development Corporation HEARING: THURSDAY, OCTOBER 24, 1991 at 1:30 p.m.

Variance allowing a building separation of 20 ft. in lieu of the required 25 ft. and/or the required 30 ft. for buildings between 25 and 30 ft. in height for the following lots: Lots 2-3, 5-8, 1-24, 26-41, 43-54, 57-59, and 65-69.

J. Robert Hines Zoning Commissioner of Baltimore County

cc: Jason Development Corporation E. Scott Moore, Esq.



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: October 11, 1991

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 114
Woods at Bay Country Subdivision
Chesapeake Bay Critical Area Findings

The applicant, the Jason Development Corporation, has requested a variance from Section 1801.2.C.1 and OMDP V.B.3 pursuant to Section 504 of the Baltimore County Zoning Regulations. This property has received an approved Chesapeake Bay Critical Area Findings dated December 22, 1988, with three Addendums dated December 14, 1989, June 29, 1990, and October 15, 1990, respectively. A copy of the original Findings and the three Addendums is attached. The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Findings and Regulations listed in the original Findings and the three subsequent Addendums.

If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JDD:DCF:ju
Attachment
cc: Jason Development Corporation

WOODS/TATNSS

RECEIVED
OCT 29 1991

ZONING OFFICE

111 West Chesapeake Avenue
Towson, MD 21201

887-3353

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



Your petition has been received and accepted for filing this
28th day of August, 1991.

Arnold Jablon
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Larry Macks, et al
Petitioner's Attorney: E. Scott Moore

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

Please see the C.R.G. comments for item numbers 106, 108 and 114.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-1500

SEPTEMBER 16, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JASON DEVELOPMENT CORPORATION
Location: NW/S HAREWOOD ROAD
Item No.: 114 Zoning Agenda: SEPTEMBER 10, 1991
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: A. W. [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: September 24, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R 91 119.

For Item 106, comments will be made at the County Review Group meeting.

For Item 108, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

October 10, 1991

887-3353

E. Scott Moore, Esquire
4111 E. Joppa Road
Baltimore, MD 21215

RE: Item No. 114, Case No. 92-104-A
Petitioner: Larry Macks, et al
Petition for Variance

Dear Mr. Moore:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Gene L. Noff, Director
Department of Public Works

DATE: December 22, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Woods at Bay Country - Findings Plan

The Chesapeake Bay Critical Area Law and the Baltimore County Development Regulations in the Chesapeake Bay Critical Area require a written record that the proposed subdivision is consistent with the goals of the Critical Area Law specified in COMAR 14.15.10.01 D. This written record is called a "Findings".

The Woods at Bay Country subdivision is within the Chesapeake Bay Critical Area and is currently classified as Limited Development Area and Resource Conservation Area. The wooded or forested area of the property is part of the "Railroad Creek Habitat Protection Area".

This paper represents Baltimore County's Findings approving the proposed Woods at Bay Country development. These Findings are that:

1) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands. The developer shall limit man-caused impervious areas to 15% of the total property. Also, porous pavement will be used on all roadways throughout the site. The site will be developed in a clustered design that will also reduce impervious surface that help to achieve a variety of environmental objectives.

For handling storm water runoff, the development is proposing a wet pond, part of which will be a shallow marsh that will also remove pollutants.

2) The developer has identified fish, wildlife and plant habitat which may adversely be affected by the proposed development. Woods at Bay Country is proposing to remove 7.3 acres out of 78.2 acres of forest and developed woodland. Also, 300 foot, 100 foot and 25 foot buffers are being provided for tidal wetlands, streams and non-tidal wetlands. In addition, because the development will occur in a habitat protection area, Woods at Bay Country shall comply with the Chesapeake Bay Critical Area Commission 1986 "A Guide to the Critical Area", Guidance Paper No. 1, July 1988. The development is designed so as to protect those identified habitats whose loss would substantially diminish the continued ability of a population of affected species to sustain themselves.

Zoning Plans Advisory Committee Comments
Date: October 10, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Larry Macks
Jason Development Corporation
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 25, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Woods at Bay Country

INFORMATION
Application Number: 114

Petitioner: Jason Development Corp.
6615 Reisterstown Road
Baltimore, Maryland 21215

Property Size: ±9.642 acres

Zoning: D.R. 5.5

Requested Action: Blanket variances to reduce side building faces to 20 feet

Hearing Dates: 10/24/91

Attachments: A. Proposed revisions to C.M.D.P.

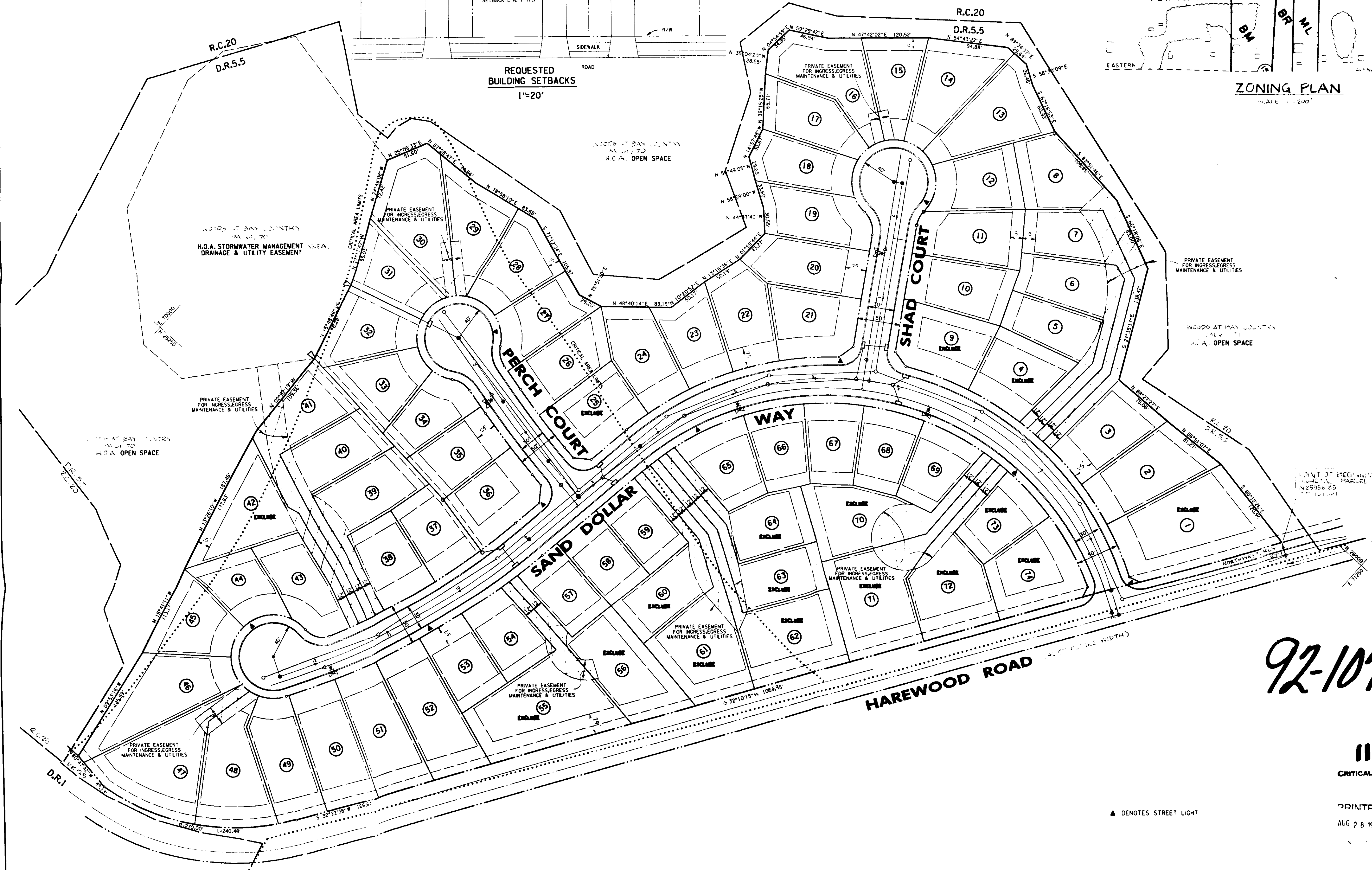
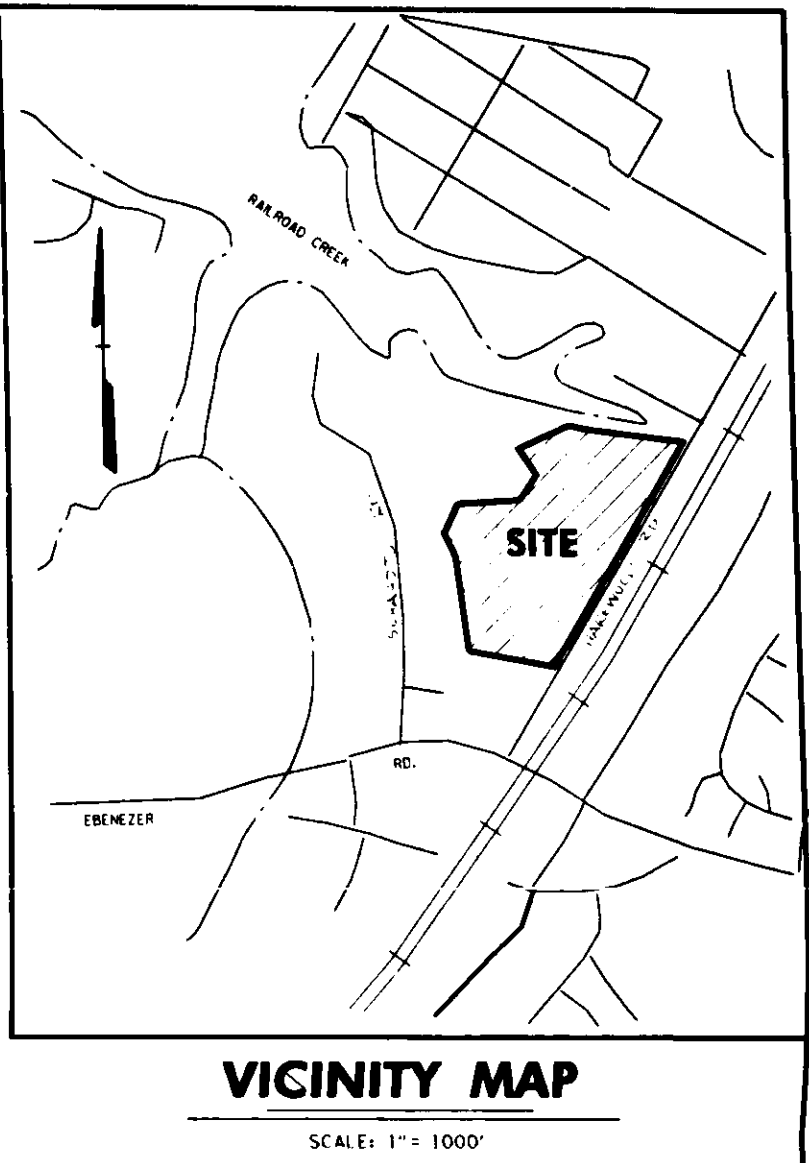
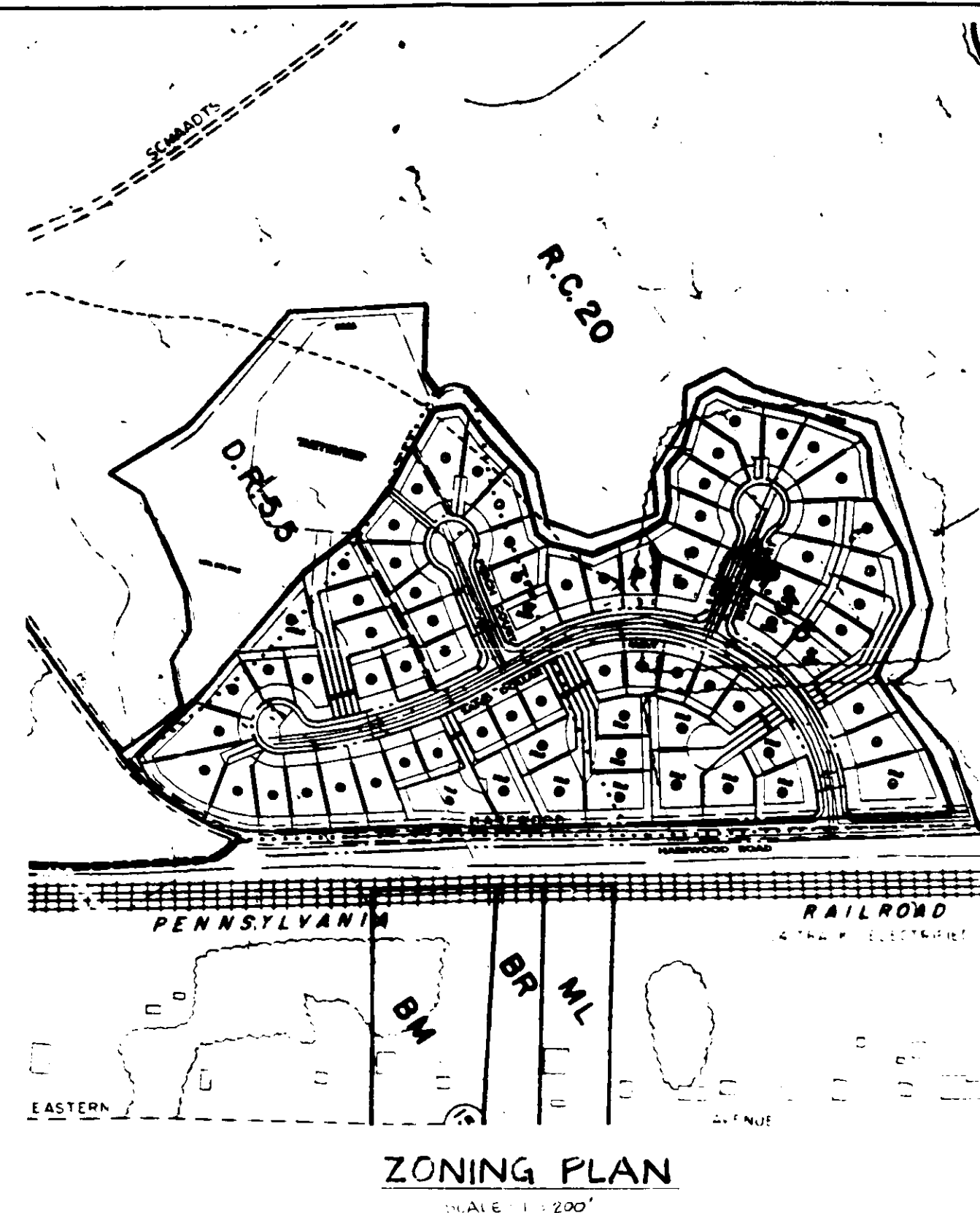
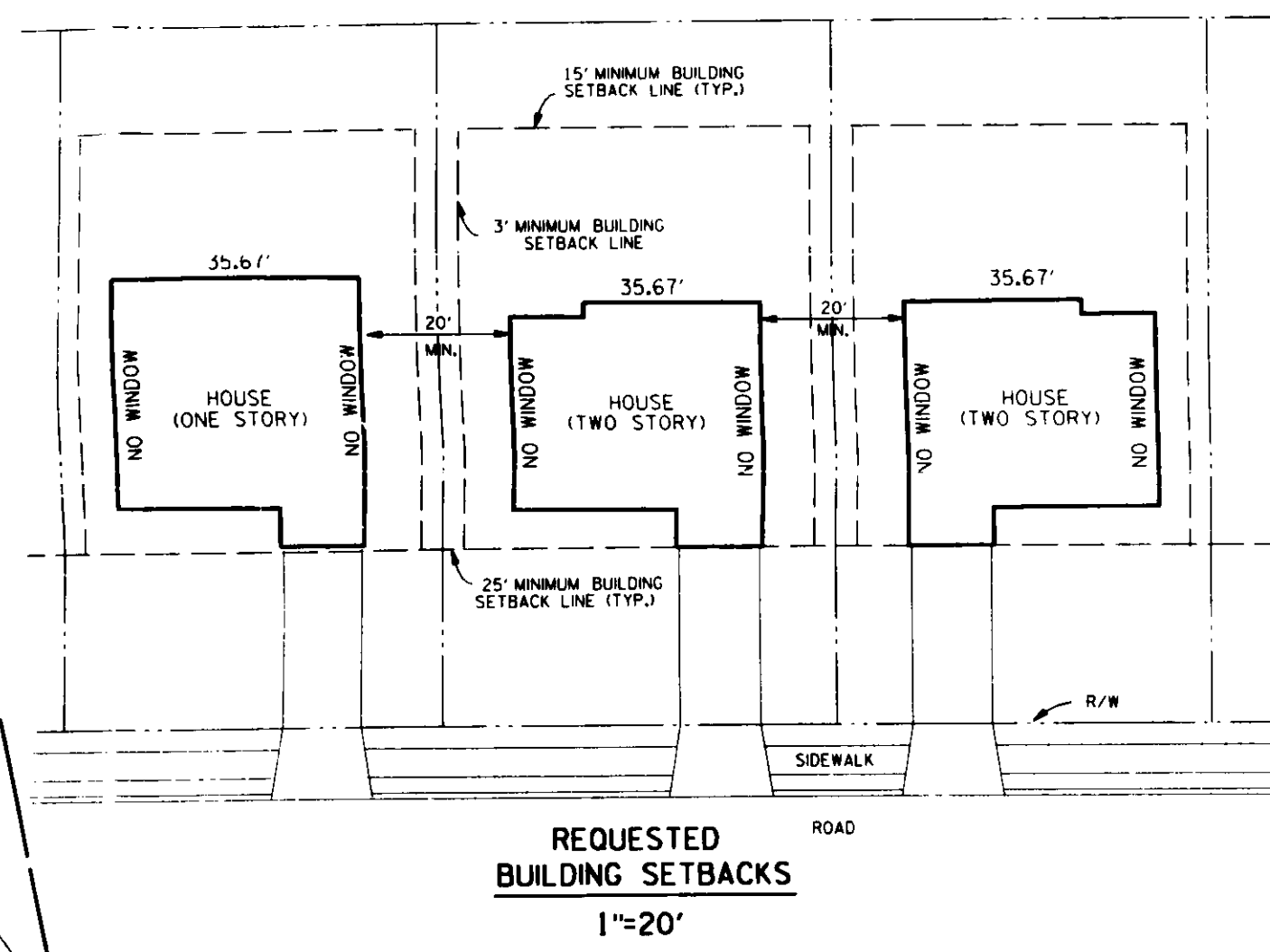
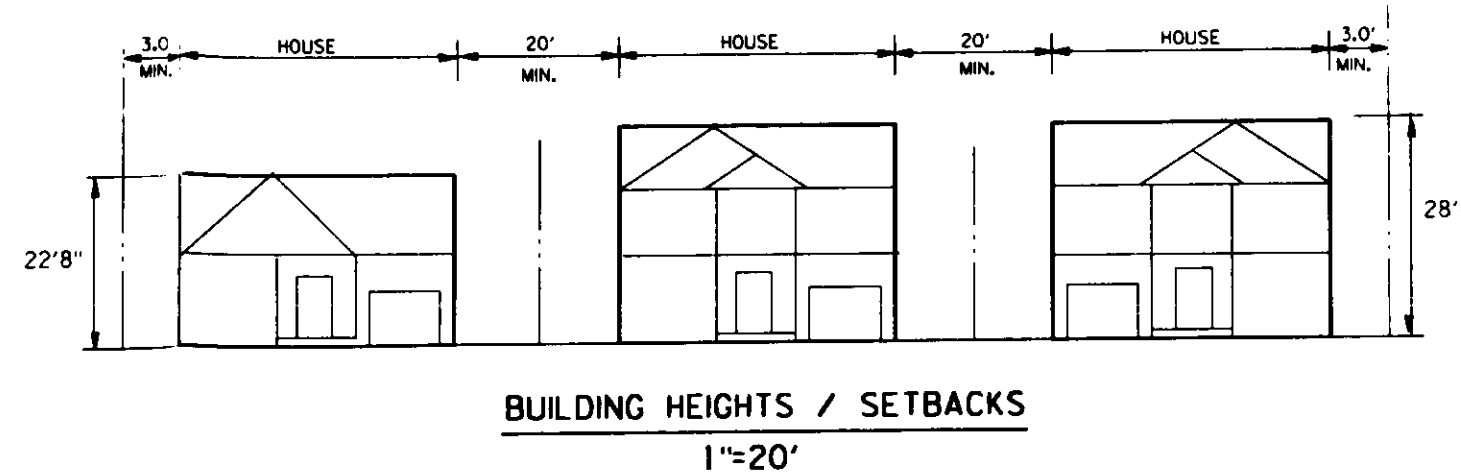
SUMMARY AND RECOMMENDATION

The petitioner has submitted a request for blanket variances to allow a building to building separations of 20 feet. Building setbacks are currently regulated using the height of the building or the provision of windows. The office of Planning and Zoning during the last several years has conducted a significant review of current density residential zoning requirements. A proposal for the revision of these regulations has been approved by the Planning Board and is being forwarded to County Council. Upon review by the County Council, the Planning Board is being requested to revise their Comprehensive Manual of Development Policies in order to update the manual and bring it into compliance with the zoning regulation changes. The new C.M.D.P. is a design driven document based upon standardized building setbacks by housing type (single-family, townhouse etc.). The petitioner's request was evaluated for compliance with the new proposed regulations and design guidelines.

Variance Petition Attachment
Woods at Bay Country
Jason Development Corporation

To permit a variance from Section 1801.2.C.1 BCCR and CHDP V.B.3 pursuant to Section 504 BCCR allowing a building separation of 20 feet in lieu of the required 25 feet for buildings between 20 and 25 feet and/or the required 30 feet for buildings between 25 and 30 feet in height for the following lots:

Lots 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 65, 66, 67, 68, 69



- Zoning Plan Notes
- Owner: Jason Development Corporation
6615 Reisterstown Road, Suite 205
Baltimore, MD 21215
358-4934
 - Deed Reference: E.H.K., Jr. 7254/745
 - All signs shall comply with the requirements of Section 411.1 and the Zoning Commissioner's Policy Manual.
 - The subdivision is the subject of approved Final Development Plans and grading plans and permits. Topography is not pertinent to the requested variance and is eliminated for purposes of clarity.
 - Each dwelling unit will have two off-street parking spaces.
 - Coordinates and bearings shown hereon are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
11778 N 27599.22 E 72695.97
11278 N 27567.45 E 72185.09
 - Record Plat Reference:
Plat Two and Plat Three of Woods at Bay Country

92-104-A

114
CRITICAL AREA

PRINTED
AUG 28 1991

<p>DAFT McCUNE WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS SURVEYORS 2102 EAST PENNSYLVANIA AVENUE TOWSON, MD 21204 TELEPHONE: 301-296-3333</p>	
<p>PLAT TO ACCOMPANY A ZONING PETITION WOODS AT BAY COUNTRY</p>	
<p>5TH COUNCIL DISTRICT 15TH ELECTION DISTRICT</p>	<p>BALTIMORE CO., MD.</p>
<p>DATE</p>	<p>REVISIONS</p>
<p>1 OF 1</p>	